

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5

*In re* patent application of Glennon et al.

Serial number: 10/526,076

Group Art Unit: unassigned

Attorney Docket Number: 02940178aa

Examiner: unassigned

Filed: 02/28/2005

For: "***B-HYDROXYPHENYLALKYLAMINES AND THEIR USE FOR TREATING GLAUCOMA***"

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS:  
REQUEST FOR SUBMISSION OF SEQUENCE LISTING**

Assistant Commissioner for Patents

PO Box 1450

Alexandria VA 22313-1450

**Mail Stop SEQUENCE**

Dear Sir:

Applicants are in receipt of a Notice To Comply with Requirements for Patent Applications, mailed 08/29/2005 (copy enclosed). In the Notice, a Sequence Listing was requested for the above-referenced patent application. Applicant notes that under 37 C.F.R. §§ 1.821-1.825, Sequence Listings are required for applications that contain 1) nucleic acid sequences and/or 2) amino acid sequences. Applicant further notes that US patent application 10/526,076 does not contain any nucleic acid sequences or amino acid sequences. Rather, the compounds that are disclosed in the application are  $\beta$ -hydroxyphenylalkylamines, as depicted, for example, in Formula 1, and with possible variable groups as depicted in Table 1.

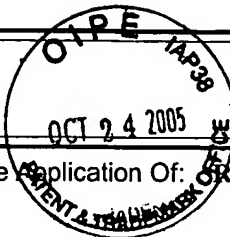
Applicant thus submits that submission of a Sequence Listing therefore should not be required for US patent application 10/526,076, and respectfully requests withdrawal of this requirement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ruth E. Tyler-Cross', with a long horizontal flourish extending to the right.

Ruth E. Tyler-Cross  
Registration No. 45,922

Whitham, Curtis & Christofferson  
11491 Sunset Hills Road; Suite 340  
Reston, AA 20190  
Tel: 703-787-9400  
FAX: 703-787-7557



**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
02940178AA

In Re Application Of: **Glennon, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/526,076	February 28, 2005	Unassigned	30743	Unassigned	8312

Title: **DELTA-HYDROXYPHENYLALDYLAMINES AND THEIR USE FOR TREATING GLAUCOMA**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**RESPONSE TO THE NOTICE OF MISSING REQUIREMENTS; COPY NOT OF MSING REQUIREMENTS;  
RESPONSE FOR SUBMISSION OF SEQUENCE LISTING.**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-2041**  
as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

Dated: **October 24, 2005**

Ruth Tyler-Cross  
Reg no. 45,922  
Whitham, Curtis & Christofferson, PC  
11491 Sunset Hills Road, Suite 340  
Reston, Virginia 20190  
703-787-9400

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

\_\_\_\_\_  
(Date)

Signature of Person Mailing Correspondence

**HAND DELIVERED**

Typed or Printed Name of Person Mailing Correspondence

CC:

24 OCT 2005

02940178AA

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application of

R. Glennon, et al.

U.S. Application No.: 10/526,076

Filed: February 28, 2005

International Application No.: PCT/US03/29818 I.A. Filing Date: September 22, 2003

For: DELTA-HYDROXYPHENYLALDYLAMINES AND THEIR USE FOR TREATING GLAUCOMA

Commissioner for Patents and Trademarks  
Alexandria, Virginia 22313

#### SUBMISSION OF MISSING REQUIREMENTS TO COMPLETE APPLICATION

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed August 29, 2005, submitted herewith is an executed Declaration and Power of Attorney, in compliance with 37 CFR 1.497(a) and (b).

Copy of the Notice of Missing Requirements;

Response to the request for Submission of Sequence listing.

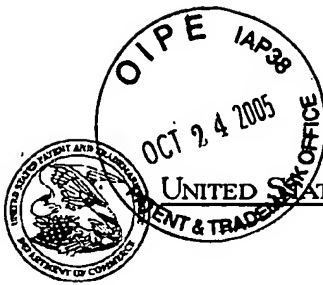
Please charge the attorney's deposit account 50-2041 if any deficiencies are noted.

Respectfully submitted,

Ruth Tyler-Cross  
Reg. No. 45,922

Whitham, Curtis & Christofferson, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, Virginia 20190  
703-787-9400  
Customer Number: 30743

PCT ★



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO. 10/526,076	FIRST NAMED APPLICANT Richard A Glennon	ATTY. DOCKET NO. 02940178AA
INTERNATIONAL APPLICATION NO. PCT/US03/29818		
I.A. FILING DATE 09/22/2003	PRIORITY DATE 09/24/2002	

30743  
 WHITHAM, CURTIS & CHRISTOFFERSON, P.C.  
 11491 SUNSET HILLS ROAD  
 SUITE 340  
 RESTON, VA 20190

CONFIRMATION NO. 8312  
 371 FORMALITIES LETTER  
 \*OC000000016877874\*  
 \*OC000000016877874\*

Date Mailed: 08/29/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/28/2005
- Copy of the International Search Report filed on 02/28/2005
- Copy of IPE Report filed on 02/28/2005
- Information Disclosure Statements filed on 02/28/2005
- Oath or Declaration filed on 02/28/2005
- Small Entity Statement filed on 02/28/2005
- Request for Immediate Examination filed on 02/28/2005
- U.S. Basic National Fees filed on 02/28/2005
- Priority Documents filed on 02/28/2005
- Specification filed on 02/28/2005
- Claims filed on 02/28/2005
- Abstracts filed on 02/28/2005

WHITHAM, CURTIS &  
 CHRISTOFFERSON, P.C.  
 AUG 31 2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at

63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/526,076	PCT/US03/29818	02940178AA